THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 17386 of 2006

23-08-2006

Between:-

M.A. Ahad Qureshi

Petitioner

And

The Commissioner of Police, Hyderabad.

Respondent

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 17386 of 2006

Oral order:

The petitioner assails the order of the respondent bearing reference No. HS6/Arms/393/2006 dated 29-05-2006 rejecting the petitioner's request/application for grant of an arms license. The order of rejection reads as under:

> *"You have applied for the grant of arms licence to possess one NP bore Revolver/Pistol for self protection.*
>
> *Your request for grant of arms licence to possess one NP bore Revolver/Pistol is examined in detailed (sic! detail) and Rejected."*

The respondent is exercising a statutory power. The power must be exercised (positively or negatively) on objective evaluation of facts. Statutory power and discretion is conferred not for the pleasure of the

incumbent of a public office, but for effectuation of a public purpose. Recording of reasons for the exercise of discretion in a particular manner is a *sine qua non* for the valid exercise of public power. This principle is too well settled. This settled principle of law has been transgressed by the respondent in passing the impugned order, which does not contain even a scintilla of a reason. The order of rejection is unsustainable for the above reason. It beseeches invalidation and accordingly quashed.

The respondent now shall pass an appropriate order on the petitioner's application for grant of an arms licence duly recording reasons for the decision, if the decision be that the licence should not be granted to the petitioner. As the impugned order has been passed without recording any reasons and in violation of established law, the writ petition is allowed with costs of Rs.1,000-00 (Rupees one thousand only) payable to the petitioner within a period of two weeks from the date of receipt of a copy of this order. The respondent is directed to pass a fresh order, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. The writ petition is allowed, as above, with costs quantified at Rs.1,000-00 (Rupees one thousand only) after hearing the learned Government Pleader for Home. Nothing in this order shall be construed as an expression by this court, on the merits

of the petitioner's claim for grant of an arms licence.

_____

GODA RAGHURAM, J

Dated:23-08-2006
Pvks/*